

In re Application of:  
Breier et al.  
Application No.: 09/445,201  
Filed: April 12, 2000  
Page 3

PATENT  
Attorney Docket No.: VOSS1110

3. (Twice Amended) The recombinant DNA molecule of claim 1 or 2, wherein said first regulatory sequence is selected from the group consisting of

- (a) a DNA sequence comprising a nucleotide sequence as given in SEQ ID NO: 1;
- (b) a DNA sequence comprising a nucleotide sequence of SEQ ID NO: 1 from nucleotide 8260 to nucleotide 10560, from nucleotide 8336 to nucleotide 10608 and/or from nucleotide 10094 to nucleotide 10608; and
- (c) a DNA sequence comprising a fragment of a nucleotide sequence of any one of (a) or (b) that confers expression in endothelial cells.

9. (Twice amended) The recombinant DNA molecule of claim 5, wherein said promoter comprises a DNA sequence selected from the group consisting of

- (a) a DNA sequence comprising the nucleotide sequence as given in SEQ ID NO: 1 from nucleotide 6036 to nucleotide 6959;
- (b) a DNA sequence comprising the nucleotide sequence of the human Flk-1/KDR promoter; and
- (c) a DNA sequence comprising a fragment of a nucleotide sequence of any one of (a) or (b).

13. (Twice Amended) The recombinant DNA molecule of claim 42, wherein said protein is selected from the group consisting of Vascular Endothelial Growth Factor (VEGF), Hypoxia Inducible Factors (HIF), HIF-Related Factor (HRF), tissue plasminogen activator, p21 cell cycle inhibitor, nitric oxide synthase, interferon- $\gamma$ , atrial natriuretic polypeptide, monocyte chemotactic proteins, luciferase, green fluorescent protein and lacZ.